

# **Exhibit “B”**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

GLENN KASPER

PLAINTIFF

VERSUS

NO. 3:15-CV-613-WHB-JCG

THE BOARD OF SUPERVISORS OF  
LAUDERDALE COUNTY, ET AL.

DEFENDANT

\*\*\*\*\*

DEPOSITION OF DALTON HOUSE

\*\*\*\*\*

APPEARANCES NOTED HEREIN

DATE: MARCH 20, 2017  
PLACE: BARRY THAGGARD MAY & BAILEY, LLP  
505 CONSTITUTION AVENUE  
MERIDIAN, MISSISSIPPI  
TIME: 2:05 p.m.

REPORTED BY: AMANDA MAGEE WOOTTON  
CSR #1238

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1 APPEARANCES:

2

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7

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E X H I B I T S

Exhibit No. 1: Statement - Exhibit "A" 10  
to Amended Complaint

1                                   \*   \*   \*   \*   \*   \*

2                                   DALTON HOUSE,

3       after having first been duly sworn, was

4       examined and testified under oath as follows,

5       to-wit:

6                                   E X A M I N A T I O N

7       EXAMINATION BY MR. THAGGARD:

8               Q.    Mr. House, my name is Lee Thaggard.  I'm  
9       an attorney here in Meridian.  I represent  
10      Lauderdale County in a lawsuit that's been filed  
11      by Mr. Glen Kasper pertaining to an incident that  
12      happened back in 2014.

13             A.    Uh-huh. (Affirmative response.)

14             Q.    I want to ask you some questions today  
15      about that.  Okay?

16             A.    Okay.

17             Q.    Let me ask you first, have you ever  
18      testified in any kind of proceeding?

19             A.    I haven't yet.

20             Q.    This is just -- you know, the court  
21      reporter is going to be -- she's typing everything  
22      we say --

23             A.    Right.

24             Q.    -- so we can't talk at the same time.  A  
25      lot of times during normal conversation, we tend

1 to interrupt each other, even if it's okays or  
2 yes, I understand, things like that. So try to  
3 resist the urge to respond or say anything until I  
4 finish the question. All right? At the same  
5 time, I'll try to make sure that your answers are  
6 finished before I start the next question. Okay?

7 A. Okay.

8 Q. Like I said, this is just -- this is a  
9 deposition, which it's a question and answer  
10 session essentially. And I promise you, at some  
11 point in time during this afternoon, I'm going to  
12 ask you a question that it's a bad question,  
13 doesn't make any sense. All right. If I do that,  
14 will you please let me know and I'll be happy to  
15 rephrase it?

16 A. Uh-huh. (Affirmative response.)

17 Q. All right. And one of the things that  
18 you'll need to do is answer audibly yes or no --

19 A. Yes.

20 Q. -- if that's what it calls for, as  
21 opposed to a nod of the head or an "uh-huh" or an  
22 "unh-unh" because if you think about it, you're  
23 reading a book. It's kind of difficult to make  
24 out, you know, what that means. All right. And  
25 trust me, there are a whole lot of people who do

1 that, so don't feel like you're the first.

2 All right. I tend talk to fast at  
3 times. If I do that, if the court reporter  
4 doesn't tell me to slow down --

5 MR. THAGGARD: -- and, Amanda,  
6 please tell me to slow down if I need to.

7 MR. THAGGARD: (Continuing.)

8 Q. If the court reporter doesn't tell me to  
9 slow down and I ask you a question speaking too  
10 fast, you tell me. Okay? I'll be happy to  
11 rephrase.

12 All right. I don't think we're going to  
13 be that long, but if we need to take a break, then  
14 please let me know. All right? And we'll do  
15 that. Of course, Mr. Kasper's attorney,  
16 Mr. Denson, is here. All right. And he'll get a  
17 chance to ask you some questions, you know, when I  
18 finish.

19 All right. What is your name again for  
20 the record, full name?

21 A. Dalton Lee House.

22 Q. What's your address, Mr. House?

23 A. 8365 Mosley Crossing Road.

24 Q. Is that a Meridian address?

25 A. It's Collinsville. 39325.



- 1 Q. Now, do you work?
- 2 A. I do.
- 3 Q. Where do you work?
- 4 A. At Bimbo Bakeries in Meridian.
- 5 Q. How long have you been working there?
- 6 A. Just started.
- 7 Q. Okay. And what is your age?
- 8 A. Twenty-one.
- 9 Q. What year were you born?
- 10 A. 1996.
- 11 Q. Now, in May of 2014, what was your age?
- 12 A. Eighteen.
- 13 Q. Where did you graduate high school?
- 14 A. West Lauderdale.
- 15 Q. Did you attend college?
- 16 A. No, sir.
- 17 Q. Okay. Do you have -- have you taken any
- 18 classes after you graduated from West Lauderdale?
- 19 A. Besides military classes, no, sir.
- 20 Q. Are you in the military?
- 21 A. I am.
- 22 Q. What branch of the military are you in?
- 23 A. Army National Guard.
- 24 Q. Army National Guard. What's your rank?
- 25 A. E4 specialist.

1 Q. What's your MOS?

2 A. Thirteen Bravo, field artillery.

3 Q. Enjoy your hearing while it lasts.

4 How long have you been in the military?

5 A. Since 2014.

6 Q. Now, of course, you and I talked on the  
7 phone last week about scheduling you to come in to  
8 the deposition today, right?

9 A. Yes, sir.

10 Q. Okay. Have you, since that time --  
11 well, strike that.

12 Have you done anything to prepare for  
13 this deposition today?

14 A. No, sir.

15 Q. Do you know Glen Kasper?

16 A. I do.

17 Q. How long have you known Mr. Kasper?

18 A. I'd say ten years.

19 Q. Okay. Now, does Mr. Kasper have  
20 children?

21 A. He does.

22 Q. Do you know his children?

23 A. I do.

24 Q. Are you friends with his children?

25 A. Yes, sir.

1 Q. And would that be -- well, strike that.

2 How many children does Mr. Kasper have?

3 A. Three.

4 Q. Okay. I know of Reed Kasper. Who are  
5 the other two?

6 A. It'd be Chase and Jud.

7 Q. And which of the Kasper children are you  
8 friends with?

9 A. Reed.

10 Q. Reed.

11 (DOCUMENT MARKED AS EXHIBIT NO. 1  
12 AND ATTACHED)

13 MR. THAGGARD: (Continuing.)

14 Q. I'm going to show you a document that's  
15 been marked as Exhibit 1 to your deposition and  
16 ask you to take a moment and look at that. I'll  
17 ask you if you recognize it.

18 A. Yes.

19 Q. Okay. Now, there's going to be some --  
20 probably some words at the very bottom of the page  
21 and the very top from -- that pertain to the court  
22 case that are an overlay onto the document. All  
23 right.

24 A. Yes.

25 Q. Is this the -- what is this document?

1           A.    A written testimony.

2           Q.    Okay.

3           A.    Statement.

4           Q.    A statement.   Okay.   Did you prepare  
5 this document?

6           A.    I did.

7           Q.    Let me ask a better question.   Did  
8 anyone assist you in preparing this document?

9           A.    Other than the phone number, no, sir.

10          Q.    Okay.   Explain that to me.

11          A.    That phone number would have been my  
12 father's because I didn't have one at the time.

13          Q.    Okay.   When is the last time you have  
14 reviewed this document?

15          A.    Since they made it.

16                   MR. DENSON:   And, Lee, let me  
17 interrupt for a moment.   I do want to say for  
18 the record that I saw Mr. House in your lobby  
19 and he was wondering if I had a copy of that  
20 statement, and I showed him -- is this the  
21 one you're talking about?   My first time ever  
22 meeting him, but just for the record, I  
23 wanted that to be clear.

24                   THE WITNESS:   Yes.

25                   MR. THAGGARD:   Okay.

1 MR. DENSON: Probably right --

2 probably moments before you walked up.

3 MR. THAGGARD: Okay. All right.

4 MR. THAGGARD: (Continuing.)

5 Q. And while you were waiting in my lobby,  
6 did you have an opportunity to review this  
7 statement?

8 A. Yes.

9 Q. Okay. Do you recall what date you  
10 prepared this document?

11 A. I don't.

12 Q. Do you recall what date it was that  
13 Mr. Glen Kasper had his interaction with the law  
14 enforcement officers in 2014?

15 A. I do not.

16 Q. The second line of your statement  
17 indicates it was Saturday of Memorial Day weekend  
18 of 2014. Do you see that?

19 A. Oh, I do. I do.

20 Q. All right. Now, regardless of what the  
21 specific date may have been, do you recall that  
22 was the date that this incident occurred?

23 A. Yes.

24 Q. Okay. How many days after that was it  
25 that -- before you prepared this document?

1           A.    I can't recall.

2           Q.    Okay.  Why did you prepare this  
3 document?

4           A.    I was asked to by Mr. Glen Kasper.

5           Q.    Did he ask you directly?

6           A.    He did, yes, sir.

7           Q.    Okay.  Did he come to your home?

8           A.    No, sir.  By phone call.

9           Q.    Did Mr. Kasper give you any indication  
10 of what sort of information that you should put in  
11 your statement?

12          A.    No, sir.

13          Q.    What did Mr. Kasper ask you to do?

14          A.    He asked me to write a written statement  
15 of what I seen.

16          Q.    Okay.  Now, is this the only version of  
17 the statement that you prepared?

18          A.    Yes, sir.

19          Q.    All right.  How long did it take you to  
20 prepare it?  Do you recall?

21          A.    I don't.

22          Q.    Do you recall where you prepared it?

23          A.    In my parents' bedroom.

24          Q.    Okay.  And what I mean was like on a  
25 home computer or --

1           A.    Home computer.

2           Q.    Okay.  The incident that is referenced  
3   in your statement, is that something which you  
4   have discussed with Mr. Glen Kasper?

5           A.    I haven't.  I haven't talked to him  
6   since this was -- before this was made when he  
7   asked me to write a statement.

8           Q.    All right.  Have you talked to him since  
9   this incident occurred during Memorial Day weekend  
10  of 2014?

11          A.    No.

12          Q.    Did you discuss this incident with Reed  
13  at any point in time?

14          A.    I have not.  Maybe before he asked me to  
15  write this.  I'm not for sure, though.

16          Q.    Okay.  And, look, if at any point in  
17  time you answer a question and then you realize  
18  later that your answer was incorrect, then you  
19  feel free to let me know.

20          A.    Okay.

21          Q.    We'll certainly let you go back and  
22  correct that.  All right?

23          A.    All right.

24          Q.    All right.  Tell me what -- let's talk  
25  about this day, Saturday, Memorial Day weekend,

1 2014.

2 A. Okay.

3 Q. All right. I want you to -- take you  
4 back in time before this incident happened. What  
5 had you been doing that day?

6 A. I had been at the Reservoir.

7 Q. And that's Lake Okatibbee?

8 A. Yes, sir.

9 Q. All right.

10 A. Skiing and just hanging around my  
11 family.

12 Q. All right. And what time did you -- did  
13 you leave the Reservoir?

14 A. I'm not sure of a specific time, but  
15 later in the afternoon, I believe.

16 Q. And the -- your statement references  
17 coming to a -- arriving at a police checkpoint.  
18 Is that a fair representation?

19 A. Correct.

20 Q. All right. What road were you traveling  
21 on, as you came and -- to that police checkpoint?

22 A. Allen Swamp Road.

23 Q. Do you recall what time of day it was?

24 A. I do not.

25 Q. Do you recall if it was daylight or



1 dark?

2 A. It was daylight.

3 Q. What were your weather conditions that  
4 day? Do you recall?

5 A. I do not recall.

6 Q. Now, as you approached -- strike that.  
7 You said you were traveling on Allen  
8 Swamp Road; is that right?

9 A. Correct.

10 Q. The police checkpoint was set up where?

11 A. At the stop sign on Allen Swamp Road  
12 intersecting Pine Springs Road.

13 Q. All right. Now, do you recall how far  
14 away -- strike that.

15 As you're approaching that intersection,  
16 at some point in time, you noticed that there  
17 were -- that there was a checkpoint; is that  
18 correct?

19 A. Correct.

20 Q. How far away were you when you noticed  
21 that there was a checkpoint?

22 A. I'd say 40 feet, 50 feet. I -- correct  
23 that. 100 feet.

24 Q. Okay. Do you recall how many law  
25 enforcement vehicles were there that day?

1           A.    I do not.

2           Q.    Do you recall what law enforcement  
3 agencies were present that day?

4           A.    I believe -- all I noticed was  
5 Lauderdale County Sheriff's Department.

6           Q.    Do you recall seeing any highway patrol  
7 vehicles that day?

8           A.    I do not, no.

9           Q.    Do you recall if the -- if the law  
10 enforcement vehicles had their lights on? When I  
11 say "their lights," I don't mean headlights. I  
12 mean like blue lights.

13          A.    I do not. I do have a question.

14          Q.    Sure.

15          A.    This was in 2014, so specific details  
16 are kind of foggy from way back then.

17          Q.    And I understand that. And if you, at  
18 any point in time, need to go review your  
19 statement to see if there's information there,  
20 just let me know.

21          A.    Okay.

22          Q.    Do you remember -- strike that.

23                So you don't recall if there were lights  
24 on -- the blue lights were on the police vehicles  
25 or not?

1           A.    I do not.

2           Q.    All right.  Do you recall what the law  
3 enforcement -- strike that.

4                   Do you recall seeing any law enforcement  
5 officers in the street as you approached the  
6 checkpoint?

7           A.    I do.

8           Q.    Do you recall what they were wearing?

9           A.    I do not.

10          Q.    Do you remember seeing any reflective  
11 vests on any of the police officers?

12          A.    I do not.

13          Q.    You don't remember they -- strike that.  
14 They weren't wearing or you just don't  
15 remember?

16          A.    I just don't remember.

17          Q.    Okay.  Now, as you're approaching the  
18 intersection of Allen Swamp Road and Pine Springs  
19 Road --

20          A.    Uh-huh.  (Affirmative response.)

21          Q.    -- were you following any other vehicles  
22 that you recall?  Let me ask a better question.

23          A.    Say that again.

24          Q.    At some point in time, you ended up  
25 behind Mr. Kasper's vehicle, right?

1           A.     Correct.

2           Q.     Had you been following him on the  
3     highway?

4           A.     I was behind him on -- basically all the  
5     way down Allen Swamp Road.

6           Q.     All right. And how far behind him were  
7     you?

8           A.     Forty foot.

9                     I would like to correct whatever -- what  
10    I said about talking to Reed Kasper. I do  
11    remember calling Reed and asking him if his dad  
12    had been arrested and asked him what happened, but  
13    he had no count of what had happened at that  
14    point.

15          Q.     And how soon after this incident  
16    occurred was it that you called Reed?

17          A.     I'm not sure. I honestly don't  
18    remember.

19          Q.     Were you traveling by yourself?

20          A.     No. I had my girlfriend with me.

21          Q.     Okay. What's her name?

22          A.     Molly Bailey.

23          Q.     Is she still your girlfriend?

24          A.     She is, which for the record, she's  
25    deployed right now.

1 Q. Is she also Army?

2 A. She is in the Air National Guard.

3 Q. Air National Guard. Do you know when  
4 she's scheduled to return?

5 A. Not a specific date.

6 Q. Okay. Do you have a month?

7 A. Possibly end of April, early may.

8 Q. All right. So --

9 A. Do you need her legal full name for  
10 that?

11 Q. Sure.

12 A. It'd be Mary Bailey.

13 Q. Mary Bailey is her complete name?

14 A. Mary Charlotte Bailey.

15 Q. Who are her parents?

16 A. Chip and Laura Bailey.

17 Q. Is she from Philadelphia?

18 A. She is.

19 Q. All right. So it was just you and Molly  
20 in the vehicle?

21 A. Correct.

22 Q. All right. Now, you're driving along  
23 Allen Swamp Road and you're approaching the  
24 intersection. All right. And you notice that  
25 there are law enforcement officers there.

1           A.     Correct.

2           Q.     What did you think was occurring at the  
3 intersection as you're approaching it?

4           A.     A roadblock --

5           Q.     Okay.   And what --

6           A.     -- or --

7           Q.     Go ahead.

8           A.     My first thought was maybe a wreck  
9 because there's one way, it has a stop sign, and  
10 one way, it does not.   And the way that I do  
11 remember the police officers being parked kind of  
12 looked like it might have been an emergency scene,  
13 so that was my first thought.   And then my second  
14 thought was roadblock.

15          Q.     Okay.   So you're approaching the  
16 intersection.   What did you do?

17          A.     I slowed down because Mr. Kasper slowed  
18 down in front of me.

19          Q.     All right.   And just describe to me what  
20 you -- what you did, what you saw there at the  
21 intersection that day.

22          A.     I seen -- I do recall a vehicle on my  
23 right with people leaning on the trunk.   And as  
24 far as anything else, I just remember it looking  
25 like a regular roadblock.

1           Q.    The people -- you said to your left side  
2    or right side?

3           A.    Right.

4           Q.    Okay.  You said they were leaning on the  
5    trunk?

6           A.    They were.

7           Q.    Was there a law enforcement officer with  
8    them?

9           A.    I can't recall.  I do know that's part  
10   of the reason I thought it could have been a  
11   wreck, was because there were people out of a  
12   vehicle that were not in handcuffs that I noticed,  
13   and that's what I thought first.

14          Q.    All right.  All right.  So you noticed  
15   the people out of the car leaning on their  
16   vehicle.

17          A.    Correct.

18          Q.    All right.  And then what do you  
19   remember next?

20          A.    After that -- after that, the -- I know  
21   I leaned down getting all my stuff together.  I  
22   did have on swimming shorts and all that, so my  
23   license was not in my wallet.  My wallet was not  
24   in my pockets, so I was having to scrounge  
25   everything up.  Let's see.

1           The next thing I knew, I was, you  
2   know -- I heard stop and seen them -- or heard a  
3   window, looked up and that's when I seen  
4   Mr. Kasper being drug out of the window or out of  
5   the vehicle. I cannot recall whether it was --  
6   the door was open or the door was shut or through  
7   the window.

8           The truck was stopped in front of me.  
9   As far as when they asked to him stop the truck,  
10   it was stopped in front of me.

11          Q.   Let me ask you a question. Could you  
12   hear -- strike that.

13                Before you heard the window crash, could  
14   you hear any conversation between Mr. Kasper and  
15   any other person?

16          A.   I could not. The only thing I heard was  
17   to stop the truck. And as I told you, my --  
18   whenever I looked up, the truck was stopped.

19          Q.   How many times did you hear a voice say  
20   "Stop the truck"?

21          A.   Once.

22          Q.   And when you looked up, was that before  
23   or after you heard the window crash?

24          A.   That was after I heard it crash.

25          Q.   Okay. And do you know how the vehicle



1 was brought to a stop?

2 A. I do not.

3 Q. Did you notice any officers around  
4 Mr. Kasper's vehicle?

5 A. After the window shattering?

6 Q. Yes.

7 A. Yes.

8 Q. Okay. How many officers? And let's  
9 first talk just immediately after -- strike that.

10 First, when you first looked up after  
11 you heard the window shatter, how many officers  
12 were around his vehicle?

13 A. I can't recall. I do recall several  
14 officers running towards his vehicle.

15 Q. Now, was there an officer back near your  
16 vehicle when you heard the window crash?

17 A. I do not believe so. I do want to say  
18 where it says in my statement about four or five  
19 deputies surrounded his truck, that's what I mean  
20 whenever I say deputies were running towards his  
21 truck. Were running towards his truck to get --  
22 to surround his truck.

23 Q. All right. And you -- you mentioned  
24 your statement. You refer in the statement -- you  
25 said that you heard glass shatter and saw that

1     they were struggling with the driver. How many  
2     officers do you recall were struggling with the  
3     driver?

4           A.     I would say four or five deputies that  
5     were struggling with the officer -- I mean, with  
6     Mr. Kasper.

7           Q.     Now, was that -- all right. Let's go  
8     back. Just tell me what you remember. All right.  
9     You said window smashed, you heard, looked up.  
10    You don't recall immediately how many officers  
11    were there, although, you did see four or five  
12    running toward the truck.

13          A.     Okay.

14          Q.     When you first looked up after the  
15    window was smashed, could you tell if anybody was  
16    struggling with Mr. Kasper at that point in time?

17          A.     It appeared that after the window was  
18    smashed, they were pulling -- were attempting to  
19    remove Mr. Kasper from the vehicle.

20          Q.     Okay. And do you recall how many  
21    officers were involved in that effort to remove  
22    him from the vehicle at that particular point in  
23    time?

24          A.     Like, say, more than three.

25          Q.     Okay. Do you remember?

1           A.     Because I -- I do not remember  
2     specifically. I do know one officer was cut from  
3     having his arms through the window. There was  
4     another officer that was attempting to remove him.  
5     I want to say there was another officer that was  
6     assisting him, but I'm not for sure. I cannot  
7     say.

8           Q.     Okay. So you remember specifically  
9     three officers, then, or you specifically remember  
10    two and one perhaps that may have been assisting  
11    him; is that correct?

12          A.     That's correct.

13          Q.     So the other, you said, four to five  
14    ran. They were around the truck, but you don't  
15    remember if they actually laid hands on  
16    Mr. Kasper?

17          A.     Everybody that -- all officers that went  
18    over there did partake in detaining Mr. Kasper.

19          Q.     All right. Let's start back with you  
20    heard the window smashed. You're looking up.  
21    You've got at least two officers, maybe one other  
22    officer there. Some others are coming. All  
23    right. What do you remember -- walk me through  
24    what you heard and what you saw.

25          A.     Okay. After the window was smashed and

1 Mr. Kasper was out of the vehicle, I do remember  
2 hearing a taser being fired and I thought I could  
3 hear another taser being fired. I do remember  
4 them taking Mr. Kasper and putting him on the  
5 pavement fairly roughly -- that's a word -- fairly  
6 aggressively.

7 Q. Now, up until that point in time, had  
8 you heard Mr. Kasper say anything?

9 A. I cannot recall.

10 Q. Okay. Did you see anything that  
11 Mr. Kasper did?

12 A. I do remember as Mr. Kasper was coming  
13 out of the vehicle and as officers were attempting  
14 to detain Mr. Kasper, I do know that Mr. Kasper  
15 was not going to the ground easily.

16 Q. He was struggling?

17 A. He --

18 Q. Well, strike that.

19 What -- how was he -- you said "not  
20 easily." What was he doing?

21 A. He didn't want to be slammed into the  
22 concrete.

23 Q. Okay. And what did he do to -- what  
24 actions was he taking at that time?

25 A. Basically, just keeping his legs stiff.

1 He wasn't running. He wasn't swinging -- you  
2 know, swinging his fists or anything like that.  
3 As far as I could tell, he was just basically  
4 standing.

5 Q. Did he move his arms? Do you recall?

6 A. Not that I recall.

7 Q. Okay. Other than keeping his legs  
8 stiff, do you remember him moving his legs at all?

9 A. I don't.

10 Q. You don't remember or you're saying that  
11 he did not move his legs?

12 A. I do not remember. I do -- I do  
13 remember as he's coming to the ground, he does  
14 have his hands in front of his face from --  
15 keeping his face -- and his neck stiff from  
16 keeping his face being hit into the pavement.

17 And just for the record, I was, in a  
18 way, nervous. I did not know what was going on at  
19 the time. You do have your adrenaline factor and  
20 all that put in, so -- my girlfriend was sitting  
21 in the passenger's seat. I didn't know if it was  
22 a gunshot that I'd heard at the time, you know,  
23 with the window smashing out or not. So my  
24 concern was more on keeping my passenger safe than  
25 worrying about what was going on in front me.

1           Q.   Now, you said earlier that you thought  
2   you heard a second taser fire.

3           A.   I did.

4           Q.   Do you know whether or not a second  
5   taser was actually fired?

6           A.   I do not.

7           Q.   The taser that was fired -- strike that.  
8                The taser that you know was fired, do  
9   you know how many times that particular officer  
10   pulled the trigger or cycled the taser with  
11   Mr. Kasper?

12          A.   I do not. I do not know how many times  
13   he did cycle the taser, but it sounded like it was  
14   more than once. And in my statement, that's what  
15   I mean by -- I do not mean several tasers. I do  
16   mean -- I do not know how many tasers there were.  
17   I do know that I thought he was tasered more than  
18   once, which could have been by one single taser.

19          Q.   So your reference in your statement  
20   "tasered him several times" could have been by a  
21   single taser?

22          A.   Correct.

23          Q.   When I say "a single taser," I'm talking  
24   about a single taser weapon, for lack of a better  
25   expression.

1           A.     Correct. I do remember as Mr. Kasper is  
2     coming out of the vehicle, he did have his seat  
3     belt on because as they're pulling him out, the  
4     seat belt is wrapped around him.

5           Q.     Do you recall if his door was open or  
6     not?

7           A.     I do not.

8           Q.     You mentioned that you saw his seat belt  
9     wrapped around him. Where was he at that point in  
10    time?

11          A.     Halfway in and halfway out of the truck.

12          Q.     But you don't recall if the door was  
13    open or it was --

14          A.     I do not. I...

15          Q.     You just remember the seat belt around  
16    him.

17          A.     Right.

18          Q.     Fair enough.

19                 Now, did you see Mr. Kasper at any point  
20    in time while he was interacting with the deputies  
21    kick toward the officers or throw a punch toward  
22    the officers?

23          A.     I did not see that.

24          Q.     Do you know whether he actually did that  
25    or not?

1           A.    No, sir.

2           Q.    And I want to be sure the record's  
3    clear.  You do not know whether he kicked or threw  
4    a punch or not; is that right?

5           A.    I did not see him kick or throw a punch.

6           Q.    All right.  Now, you mentioned a while  
7    ago that you were concerned about your girlfriend.  
8    All right.  Now -- and about keeping her safe; is  
9    that right?

10          A.    Correct.

11          Q.    All right.  So as this was -- this  
12    event's going on in front of you, were you  
13    watching Mr. Kasper the entire time or did you  
14    focus your attention at some point in time on  
15    Molly, or tell me what you did.

16          A.    The time that I took my eyes away from  
17    what was happening in front of me, I checked  
18    behind me to see if there was a vehicle behind me  
19    in case I needed an escape route.  And I did look  
20    at her and tell her what to do if we had to leave.  
21    So that's -- besides that, that's the only time  
22    that I took my eyes away from Mr. Kasper until the  
23    officer did come.  After it was over or towards  
24    the end of it being over, the officer came towards  
25    my truck and checked my license and registration.



1           Q.    You said that you told your girlfriend  
2    what to do if you had to leave.  What do you mean  
3    by that?

4           A.    I told her if we had to leave, she was  
5    to get low in her seat and that we would be doing  
6    whatever we had to do to get out of a bad  
7    situation.  Not a bad situation towards the  
8    officers, but a bad situation that we could have  
9    been injured in or caused harm in.

10          Q.    Okay.  Now, at what point in time during  
11   the -- during your stop there did you make that  
12   comment to her?

13          A.    While I was -- well, after I heard a  
14   window smash to -- after I heard the window smash  
15   because I didn't know whether it was a gun or  
16   whatever, so I didn't just pop right up.  I did  
17   tell her, you know -- because she was down helping  
18   me, as well, trying to find everything and that's  
19   whenever I told her.  I didn't know what it was,  
20   but this is what we need to think about before --  
21   before we lean back up to see what it was.

22          Q.    Okay.  Now, from the time that you saw  
23   Mr. Kasper with the seat belt wrapped around  
24   him -- well, let me back up.

25                    You saw Mr. Kasper with the seat belt

1 wrapped around him. How was his seat belt undone?

2 Do you recall?

3 A. I do not recall.

4 Q. From the time you first noticed him or  
5 heard the window smash, how long was it before he  
6 was out of the vehicle and on the pavement?

7 A. Ten to 15 seconds. Scratch that. Did  
8 you say on the pavement?

9 Q. Yeah.

10 A. Twenty or 30 seconds.

11 Q. Okay. How about how long after you  
12 heard the window smash until he was out of the  
13 vehicle?

14 A. Ten to 15 seconds.

15 Q. Okay. And I realize that's an  
16 approximate time; is that correct?

17 A. As approximate, you mean estimated time?

18 Q. As best you can remember.

19 A. As best I can remember, yes.

20 Q. All right. So your estimation was it  
21 took another five to ten seconds after he was out  
22 of the vehicle to put him on the pavement or for  
23 him to be located on the pavement. Is that a fair  
24 statement?

25 A. Correct.

1           Q.    Do you recall how many officers were  
2   making physical contact with Mr. Kasper when he  
3   was placed on the pavement?

4           A.    Four to five.

5           Q.    What were the officers doing?

6           A.    They were -- they had Mr. Kasper's head  
7   pinned to the pavement in such a way that it did  
8   look to hit his head pretty good onto the  
9   pavement.  As -- and the others are in a way  
10   hitting Mr. Kasper.  And when I say "in a way,"  
11   they -- that means elbows, knees in the back and  
12   such.  As far as fists or batons or anything like  
13   that, I do not know.

14          Q.    Okay.  Did you see anybody punch  
15   Mr. Kasper with a fist?

16          A.    I don't -- I don't recall seeing anybody  
17   punch him.

18          Q.    Let me ask that same question about when  
19   he was still in the vehicle.  Do you recall seeing  
20   anyone punch him while he was still in the  
21   vehicle?

22          A.    I did see a hand go through the window.  
23   I do not know what the hand did once it entered  
24   the window.

25          Q.    Was that on his driver's side?

1           A.     Correct.

2           Q.     Do you recall if there was an officer on  
3     the passenger's side of his vehicle?

4           A.     I don't recall.

5           Q.     I've been referring to his vehicle --  
6     him just being in a vehicle.  It was a pickup  
7     truck, wasn't it?

8           A.     Ford F150, white.  I'm not sure of the  
9     year model.

10          Q.     All right.  You mentioned officers'  
11     elbows and knees --

12          A.     Uh-huh.  (Affirmative response.)

13          Q.     -- used with him while he's on the  
14     ground.  Describe that to me.  Are you talking  
15     about officers -- let me ask a better question.

16                 Do you have officers that are kneeling  
17     on him with their knees in his back or what?

18          A.     It was officers -- yes, they were  
19     kneeling were their knees in his back.  As far as  
20     elbows go, I do remember Mr. Kasper hitting his  
21     head by an elbow being brought to the back of his  
22     neck.  I do remember officers -- I don't want to  
23     say jumping or kneeling, but placing their knees  
24     rather with force in his back.

25          Q.     Okay.  Did you see any officer more than

1 one time put their knees into his back?

2 A. I did not.

3 Q. And to phrase that differently would be  
4 as if an officer put his knees into his back, then  
5 got back up -- or raised up and then put his  
6 knees, you know, back into his -- you know, drove  
7 his knees back into his back again.

8 A. I can't -- I can't recall. Actually, I  
9 could not see at that point. At that point, there  
10 were officers surrounding Mr. Kasper. There was a  
11 crowd of officers surrounding Mr. Kasper.

12 Q. Could you see what he was doing on the  
13 ground?

14 A. At the point where all the officers were  
15 gathered around Mr. Kasper, Mr. Kasper had already  
16 been detained. And when I say at the point that  
17 all the officers gathered, that's not the officers  
18 that were already -- not the four or five officers  
19 that were already there. There were more officers  
20 that had come over after Mr. Kasper had already  
21 been detained.

22 They did move him -- they did take him  
23 from one police car after they placed him in it to  
24 another police car.

25 Q. Okay. And we'll get to that. All

1 right. But do you remember anything else about  
2 the way he was placed on the pavement, the way the  
3 officers handled him while he was on the pavement?  
4 Is there anything else you can remember -- or what  
5 he did while he was on the pavement. I want to  
6 make sure I exhaust your memory on that subject.

7 A. I did hear someone say "stop" as this  
8 was going on. I did hear an officer say "stop."  
9 Mr. Kasper did say -- he said, "I'm stopped" or  
10 "I'm not moving" or "I'm not resisting," something  
11 in the form of he was not trying to resist or  
12 trying to struggle.

13 Q. And at that particular point in time, do  
14 you remember where he was, Mr. Kasper?

15 A. At that point in time, he was -- that's  
16 when the four or five deputies or officers put him  
17 on the ground.

18 Q. And when you heard the officers say --  
19 tell him to stop and Mr. Kasper respond that he  
20 was stopped, could you actually see what he was  
21 doing?

22 A. It was not "I'm stopped." It was "I'm  
23 not doing anything" or -- it was a statement made  
24 to let them know that he was not aggressively or  
25 physically trying to resist them detaining him.

1           Q.    Now, when -- but when he said that,  
2    could you see what he was doing?

3           A.    That's when the officers were taking him  
4    down to the ground.  That's the only -- as far as  
5    him -- what he was doing, that's basically when he  
6    was going to the ground.  I mean, physically  
7    falling to the ground.  That's what he was doing.

8           Q.    You mentioned a few moments ago that an  
9    officer -- I think you said an officer had his  
10   elbow behind his head.

11          A.    Correct.

12          Q.    Do you recall any other officer using an  
13   elbow with Mr. Kasper?

14          A.    Not that I recall, no.  I only seen  
15   Mr. Kasper's -- the elbow hit Mr. Kasper one hard  
16   time into the concrete.  Mr. Kasper did -- his  
17   head did come back up and I believe the -- it  
18   could have been a different officer.  Like I said,  
19   there was four or five, so hands were everywhere.  
20   A hand did take Mr. Kasper's head and forcefully  
21   go back down to the pavement.

22          Q.    Did you know any of the officers who  
23   were there that day?

24          A.    I don't recall any of the officers'  
25   names that were there.  I've come to know more

1 officers since then, so I'm -- I can't say whether  
2 I did or did not.

3 Q. Okay. Did you know the officer whose  
4 elbow was behind Mr. Kasper's head?

5 A. I did not. As I said, I can't remember  
6 any officers that was there that day.

7 Q. And do you know what officer put his  
8 hand on Mr. Kasper's head and pushed his head back  
9 to the pavement?

10 A. No.

11 Q. Do you remember any -- strike that.

12 Do you know any of the officers who put  
13 their knees onto Mr. Kasper's back?

14 A. I do not. I do not recall any officers  
15 who were there that day.

16 Q. All right. Now, how long was Mr. Kasper  
17 on the pavement? Do you recall?

18 A. I do not recall. I can't give you a  
19 specific time.

20 Q. Do you recall if he was handcuffed while  
21 he was on the pavement?

22 A. Yes. As -- from what I do remember, he  
23 did get up by his handcuffs. I mean, being pulled  
24 up from the handcuffs with his hands behind his  
25 back. I can't tell you for sure that he had



1     handcuffs on. They might have had his hands held  
2     behind his back, but I do believe -- I know I did  
3     see Mr. Kasper in handcuffs after he got up, but  
4     my memory's not clear on that part of the subject.

5           Q.     All right. You're not sure exactly when  
6     he was handcuffed.

7           A.     Correct.

8           Q.     But you do know at some point in time,  
9     he was handcuffed.

10          A.     Right.

11          Q.     And do I understand your testimony  
12     correctly that he was lifted rearward off the  
13     ground?

14          A.     I do believe so.

15          Q.     All right. Now, you mentioned earlier  
16     that he was -- went to -- was taken to a police  
17     car -- well, strike that.

18                 After he was lifted from the ground --

19          A.     I'm trying to exactly remember how he  
20     was lifted. I do want to give a true statement.  
21     I'm trying to picture it in my head.

22                 I want to go back and correct that  
23     answer on the -- how he was handcuffed because I  
24     do not -- I cannot specifically remember how he --  
25     he got up. I do remember that at one point -- at

1 the point in time that he was on the ground, his  
2 hands were placed behind his back because he was  
3 laying on his stomach and they did have his hands  
4 behind his back. But I cannot exactly remember  
5 how he got up.

6 Q. All right. You don't recall how he got  
7 up and you're not sure if he was handcuffed while  
8 he was on the ground. Is that a fair statement?

9 A. That's a fair statement.

10 Q. You do know at some point in time, he  
11 was handcuffed and put in a police car.

12 A. Yes.

13 Q. Tell me what you can remember from the  
14 time that he was -- he's off the ground and then  
15 what do you remember until -- just what do you  
16 remember?

17 A. The only thing that I can remember is  
18 that he was put into a police car. He was taken  
19 out of that police car and put into another one.  
20 And I do believe it was Mr. Kasper that was put  
21 into another police car. I didn't see anyone else  
22 being arrested or that had been arrested to be  
23 placed in another police car. That was the only  
24 one -- that was the only person around.

25 At that time, I did have an officer

1     talking to me because everything had cooled down  
2     and the officers had spread and everything was  
3     continuing on.

4           Q.     If that -- when he was taken to the  
5     first police car, all right, do you recall  
6     anything about the manner in which -- well, do you  
7     recall anything about him being put in the police  
8     car?

9           A.     He was -- the only thing I can remember  
10    about him being put in the police car is that it  
11    like they were not very easily putting him into  
12    the police car. Not that he was -- not that he  
13    was using force to resist them putting him in the  
14    police car, but it looked like they kind of put  
15    him in the police car rather abruptly.

16          Q.     What does that mean?

17          A.     Pushed him into the police car, you  
18    know, not -- they put him in the police car...

19          Q.     Let me ask this question: Did he walk  
20    to the police car?

21          A.     He was escorted to the police car.

22          Q.     All right. What does that mean?

23          A.     He was taken by an officer to the police  
24    car. He didn't walk by himself, but --

25          Q.     But he was on his own two feet?

1           A.     Correct. From what I remember, he  
2     was -- I mean, they got him back up and he was  
3     walking. They didn't carry him to the police car.

4           Q.     Could you tell if he was walking  
5     willingly to the police car?

6           A.     Yeah. That's what I -- that's what I  
7     think I remember, is that he was walking fairly --  
8     you know, escorted, but on his own.

9           Q.     Could you tell if he put up any  
10    resistance to being put in the police car?

11          A.     Could not. Cannot recall.

12          Q.     All right. Now, once he arrived at the  
13    police car, do you recall if he was put in the  
14    police car immediately? Did he stay outside of  
15    the police car for any period of time or do you  
16    remember?

17          A.     I don't recall. That's basically the  
18    end of what I seen.

19          Q.     Now, during this period of time, we've  
20    been talking about what you saw and what you  
21    heard.

22          A.     Right.

23          Q.     When in this process was it that a law  
24    enforcement officer approached you and came up and  
25    began talking to you?

1           A.    When he approached me, this was as they  
2   were taking Mr. Kasper to the police car and  
3   sending traffic back through with me being the  
4   first vehicle to go -- to give proof of license  
5   and registration. He came to me at that time and  
6   I had asked, you know, what was going on or what  
7   happened and he told me that "That's just one of  
8   our regulars." And at that point in time, I  
9   didn't understand why that was one of his -- why  
10  he would have said that.

11          Q.    Now, do you remember what officer --

12          A.    No.

13          Q.    -- said that to you?

14          A.    I can't recall any officers' names or  
15  even really what they looked like that day.

16          Q.    Do you recall hearing any other officer  
17  out there that day say anything similar to the  
18  statement that the officer said to you, that  
19  this -- he's just one of our regulars?

20          A.    I don't. That was the only officer I  
21  talked to. That was the only officer that came to  
22  my vehicle and spoke to me. I did not get out of  
23  my vehicle and talk to any officer or...

24          Q.    Now, this particular officer, was he one  
25  of the -- strike that.

1           The officer that made the statement to  
2   you, had he been involved in the physical contact  
3   with Mr. Kasper at Mr. Kasper's vehicle?

4           A.    I don't know.  I -- when I say I can't  
5   remember any officer that was there by name or by  
6   face or anything like that, and there were several  
7   officers there in that physical altercation  
8   that -- I mean, at one time, you wouldn't be able  
9   to remember the officers' name, you know, or how  
10  they looked.

11          Q.    Now, do you know if Mr. Kasper has any  
12  brothers?

13          A.    I don't, but I do know that when that  
14  officer was talking to me, he said, "I know" -- he  
15  said, "That's one of our regulars and I know his  
16  brother," or somebody said -- it might not have  
17  been that officer or it might have been somebody  
18  yelling or something, but somebody said, "I know  
19  his brother."  I know that for a fact.

20                As far as who that was, I'm not sure if  
21  it was that officer or not, but -- and they wasn't  
22  even talking to me at that time.  I mean, after  
23  this officer had finished talking to me, I could  
24  hear "I know his brother."  So I'm assuming that  
25  he has a brother.  Now, I haven't been told that

1 by a family member or by anyone like that, but  
2 that's what I'm assuming.

3 Q. The -- strike that.

4 Did you see who made the statement "I  
5 know his brother"?

6 A. I don't. Like I say, I just heard the  
7 statement. Now, later on after I've -- you know,  
8 this was 2014, so, yes, I have heard that he does  
9 have a brother that has had trouble.

10 Q. Right. And what I'm getting at is, you  
11 heard someone say "I know his brother." If you  
12 could tell whether the officer that said that or  
13 the person that said that, you know, what that  
14 person's involvement had been with Mr. Kasper in  
15 terms of getting him out of the vehicle, you know,  
16 putting him on the ground, et cetera.

17 A. I don't know. I -- that's -- like I  
18 said, that's the only thing that I know that I  
19 heard. And then as I said, later on, that's what  
20 I've heard further. It was -- actually, it was in  
21 another conversation with someone off that I don't  
22 know who it was. It was in the conversation I  
23 heard, "Yeah, I know his brother." That was it.

24 Q. Now, do you have any idea what the  
25 officers had done at that point in time to

1 identify Mr. Kasper?

2 A. I do not. Also, I did not know at first  
3 that it was Mr. Kasper. The only way that I knew  
4 him, as my statement says, is I knew his truck, of  
5 course. And he does have a set of pilot wings on  
6 his -- on his truck, so that's how I gathered that  
7 it could have been Mr. Kasper. And so I did not  
8 know at that time that it was him.

9 Q. You mentioned earlier that Mr. Kasper,  
10 at some point in time, was moved from one law  
11 enforcement vehicle to another.

12 A. As far as I know, it was Mr. Kasper.

13 Q. All right. Do you know why that person  
14 was moved from one vehicle to another?

15 A. I do not.

16 Q. Did you see if there was any amount of  
17 force that was used with that particular person as  
18 they were moved from one vehicle to another?

19 A. I do not. I know that someone was moved  
20 from one vehicle to another. At that time -- at  
21 that time, I was leaving. That's actually the  
22 last thing I seen, was that someone was moving --  
23 or when I say moved, somebody was being  
24 transported to another vehicle. I'm not saying  
25 that it was from that particular vehicle, but it



1 was -- someone was getting moved to a vehicle.

2 Q. Okay. And they were moved how? Was he  
3 walk -- that person walking?

4 A. Escorted by a police officer. Not sure  
5 if his hands were behind his back or in front of  
6 him or anything as such, but was being escorted by  
7 a police officer.

8 Q. Okay. And when you say "escorted," the  
9 person was walking on his own power?

10 A. Correct.

11 Q. All right. Now --

12 A. Well --

13 Q. Go ahead.

14 A. As far as I could tell, he was on his  
15 own power. Like I said, I was leaving. I could  
16 not -- I can't give an accurate, true statement  
17 about that.

18 Q. Now, Mr. Kasper's pickup truck was in  
19 front of you; is that right?

20 A. Correct.

21 Q. All right. Once the officer came to  
22 you, you interacted with the officer and you were  
23 leaving. What happened to Mr. Kasper's truck?  
24 Did it stay in place? Was it moved?

25 A. It was in the same place from whenever I

1     came through. Whenever I came through, it was  
2     in -- no. For some reason, I want to think that  
3     his truck was moved so people could get through,  
4     but my memory is foggy on that. And I know that's  
5     something that should be clear, but I thought I  
6     remembered his vehicle being moved. I can't give  
7     you -- I can't give you anything accurate on that.

8           Q.     Okay. So you're uncertain about that?

9           A.     Yeah.

10          Q.     All right. Let's go back to the point  
11     that the officer came to you.

12          A.     All right.

13          Q.     And describe to me the conversation that  
14     you have with the officer from, you know, what --  
15     what did he first say when he got to you and walk  
16     me through what happened with you until you left  
17     the checkpoint.

18          A.     He walked up to me, asked me for my  
19     license, asked me for registration. I said, "What  
20     happened?" He just -- the only thing that he told  
21     me was that he was -- "That's just one of our  
22     regulars." That's what I was told.

23          Q.     Okay. He asked you for your license and  
24     registration. What did you do?

25          A.     I gave it to him.

1           Q.    All right.  And how long did he have  
2    your license and registration?

3           A.    Long enough to look at my information.

4           Q.    Okay.  Did he call in your information  
5    to -- on the radio or do you remember?

6           A.    Not that I remember.

7           Q.    Okay.  And how long after you handed him  
8    your license and registration was it that you  
9    spent there, you know, with the officer?

10          A.    None.  I left.

11          Q.    Okay.  I mean, in terms of 30 seconds,  
12   more or less?

13          A.    I mean, as he -- after he gave me back  
14   my license?

15          Q.    Yes.

16          A.    Three seconds.

17          Q.    Okay.  So he checked your license and  
18   registration and sent you on your way?

19          A.    Correct.

20          Q.    Did you have any problems with that  
21   officer?

22          A.    No, sir.

23          Q.    Okay.  When you pulled up and there was  
24   an officer, you said you -- when you first pulled  
25   up, you did or did not see an officer in the

1 street?

2 A. They wasn't right in the middle of the  
3 street. They were on the edge of the street and I  
4 couldn't -- let me correct that. I couldn't tell  
5 what was right in front me because Mr. Glen's  
6 vehicle was right in front of me.

7 Q. Okay. Now, when you determined that it  
8 was a checkpoint, you knew you needed to stop,  
9 didn't you?

10 A. Correct. I did learn that it was a  
11 checkpoint as Mr. Kasper was being -- as the  
12 officers were walking up to Mr. Kasper's vehicle,  
13 I did understand it was a checkpoint then. Before  
14 that, as I said, I didn't know what was exactly  
15 going on.

16 Q. So when the window smashed, you weren't  
17 sure, but as the officers were going to his  
18 vehicle, you understood it was a checkpoint?

19 A. As his -- no. As his windows were  
20 being -- as his window was being smashed, I did  
21 understand what was going on. I mean, as far as  
22 when the officer started -- in the very beginning,  
23 as the officer started towards his vehicle, not  
24 all officers, but just the one to, I guess, I'm  
25 assuming, check his license and registration,

1     that's when I understood that it was a checkpoint.

2           Q.     Okay.  So at that point in time, you  
3     knew that you were going to have to stop.  Is that  
4     a fair statement?  When you got up to an officer,  
5     that you would need to stop.

6           A.     Possibly.  Yes, yes.

7           Q.     You wouldn't just drive through a  
8     checkpoint, would you?

9           A.     If I knew it was a checkpoint for sure,  
10    no.  I have in the past, however, have come up to  
11    a checkpoint almost similar to that that I thought  
12    that was an accident that I almost did drive  
13    through, to be completely honest.

14          Q.     Okay.

15          A.     As far as they had it set up, usually  
16    there is vehicles in the road.  You know, there  
17    were no -- that I seen, there were no vehicles in  
18    the road.  They were all parked on the side of the  
19    roads.  Most times at an accident, that's what it  
20    kind of looks like.  And they do have an officer  
21    most of the time flagging traffic, so it could  
22    have gotten -- it could have been confused to  
23    other drivers.

24          Q.     All right.  Now, do you know how many  
25    vehicles -- strike that.

1           Do you know whether -- the vehicles that  
2   were coming to the checkpoint, whether they were  
3   stopping all of the vehicles, every other vehicle  
4   or what they were doing?

5           A.   I don't know.  Actually, I couldn't tell  
6   you because it was me behind Mr. Kasper and that  
7   was it.  As far as I know, I didn't see any other  
8   vehicles go through before us.

9           Q.   All right.  Was there a vehicle behind  
10  you as you were stopped waiting for Mr. Kasper?

11          A.   At the time all that was going on, no.  
12  But whenever -- towards the end of everything as  
13  far as whenever they got him detained, there was a  
14  vehicle behind me that had pulled up.  I couldn't  
15  tell you what kind of vehicle.  I can't recall  
16  that.

17          Q.   Do you know whether they checked that  
18  vehicle for license and registration?

19          A.   I don't have a clue.

20          Q.   Now, when you pulled up behind  
21  Mr. Kasper, do you recall if there were any  
22  vehicles stopped out on Pine Springs Road?

23          A.   No.

24          Q.   Okay.  You -- go ahead.

25          A.   On the side of the road.

1           Q.    I don't mean law enforcement vehicles.  
2    I mean, were there -- do you recall if there were  
3    any vehicles that were traveling Pine Springs Road  
4    that had been stopped by law enforcement?

5           A.    Not on Pine Springs Road, but on Allen  
6    Swamp Road.  There were -- there was a vehicle to  
7    my right with those people leaning on the trunk.

8           Q.    Okay.  So if I understand your testimony  
9    correctly, you drove past that vehicle; is that  
10   right?

11          A.    Yes, yes.

12          Q.    All right.  But as you're approaching  
13   the intersection of Allen Swamp and Pine Springs  
14   Road -- and this is a perpendicular intersection  
15   basically, isn't it?

16          A.    Yes.  You have to stop at --

17          Q.    Let me ask you, it's a T intersection?

18          A.    Kind of, yeah.

19          Q.    Well, not 90-degree angles, but it's  
20   close to a T intersection; is that right?

21          A.    Right.

22          Q.    All right.  There's a curve that comes  
23   into the intersection, right?

24          A.    Right.  And a one-way stop sign.

25          Q.    All right.  Now, do you recall if there

1 was any vehicle that was out on Pine Springs  
2 already that had been stopped by law enforcement  
3 as a part of the checkpoint?

4 A. On Pine Springs Road?

5 Q. Yes.

6 A. No, I don't recall.

7 Q. Do you recall seeing any officers  
8 standing out on Pine Springs Road when you first  
9 pulled up to the checkpoint?

10 A. Not initially, no, sir.

11 Q. Do you recall if there -- strike that.

12 Do you know if there were any officers  
13 that were standing on Pine Springs Road when you  
14 heard the window smash?

15 A. Not that I recall.

16 Q. Okay. Did you, at any point in time,  
17 see any officers on Pine Springs Road?

18 A. I can't recall.

19 Q. Now, what was occurring with Mr. Kasper,  
20 that was occurring between you and Pine Springs  
21 Road; is that right?

22 A. Right, right. I'm not saying that there  
23 wasn't any vehicles on Pine Springs Road. There  
24 could have been, but I just -- I can't remember  
25 where they were exactly parked. I know they were



1     parked on -- whenever I came up, I know there  
2     were -- if you want to count, you know, right  
3     there at the stop sign on Pine Springs Road, if  
4     it's on the other side of the stop sign, then yes,  
5     there was a vehicle on Pine Springs Road. But not  
6     far onto Pine Springs Road that I can recall or  
7     to -- if you took a left or a right, I can't  
8     recall if there was a vehicle to the left or to  
9     the right.

10           Q.    Do you remember if there was a vehicle  
11   on Pine Springs Road in front of Mr. Kasper's  
12   vehicle?

13           A.    No.

14           Q.    At any point in time?

15           A.    I can't recall.

16           Q.    Now, when Mr. -- strike that.

17                   As Mr. Kasper approached the checkpoint,  
18   do you know if he stopped when first --

19           A.    I know --

20           Q.    -- first encountered an officer?

21           A.    I'm not sure when he first encountered  
22   an officer, that he stopped. I'm not sure of  
23   that.

24           Q.    Before his window was smashed, how close  
25   was an officer to his vehicle -- to Mr. Kasper's

1 vehicle?

2 A. Before his window was smashed?

3 Q. Yes, sir.

4 A. I'd say 5 to 8 foot.

5 Q. Okay. The officer standing in the  
6 roadway?

7 A. On the left side of the road, that I  
8 recall. Now, as far as there being one on the  
9 other side or in front of him, I do not know. I  
10 know there was one on the opposite side of the  
11 road. Like I said, I cannot -- I couldn't tell  
12 you where any officers were.

13 Q. Do you know if any of the officers made  
14 any type of gesture or said anything to Mr. Kasper  
15 before he stopped?

16 A. Stop the truck.

17 Q. Okay.

18 A. And at that point in time, Mr. Kasper --  
19 I noticed Mr. Kasper stopped. Now, that's  
20 whenever I realized that that was a checkpoint.  
21 That's when I go down to find my license and  
22 registration and all that.

23 Q. Okay. Now, during the point in time  
24 that you're looking down --

25 A. Uh-huh. (Affirmative response.)

1 Q. -- do you know if his vehicle moved?

2 A. No. It's not possible.

3 Q. Okay. Why is that?

4 A. I was looking down.

5 Q. Okay. Make sure I understand. During  
6 the -- all right. During the time that you were  
7 looking down, all right, you don't know if his  
8 vehicle moved or not; is that right?

9 A. Correct.

10 Q. Okay. Your statement is it's not  
11 possible for you to know whether the vehicle moved  
12 or not; is that right?

13 A. Right, right.

14 Q. Okay. Now, from the time that you heard  
15 an officer tell him to stop -- you recall that he  
16 did; is that correct, when he first --

17 A. (Witness nods head affirmatively.)

18 Q. All right. And you looked down?

19 A. Correct.

20 Q. You don't know if his vehicle moved  
21 again before the window was smashed; is that  
22 correct?

23 A. Correct.

24 Q. All right. Now, you remembered that  
25 there were people beside a car. You said to your

1 left or to your right?

2 A. My right.

3 Q. To your right. And you don't -- but you  
4 don't recall if there was an officer in -- nearby  
5 then?

6 A. I don't.

7 Q. Okay. Do you recall if there were any  
8 other civilian vehicles that were parked on the  
9 side of the road?

10 A. Not that I recall.

11 Q. Do you recall seeing anyone else in the  
12 back of a law enforcement vehicle?

13 A. I do not.

14 Q. You don't know what happened with  
15 Mr. Kasper after he left the scene that day, do  
16 you?

17 A. I do not.

18 Q. How long was it after you left the  
19 checkpoint before you had a conversation with  
20 Mr. Kasper?

21 A. I want to say two to three days  
22 possibly.

23 Q. And that was when Mr. Kasper called you?

24 A. That's when he called me, correct. Now,  
25 I did -- I did talk to Reed Kasper and I believe

1     that's how Mr. Kasper knows that I was there at  
2     that time.

3           Q.     Okay. Do you recall what your  
4     conversation with Reed was about the incident?

5           A.     I just asked what had happened. Let me  
6     correct something.

7           Q.     Yeah.

8           A.     The -- whenever I did talk to Reed, I  
9     was told that -- that his dad had been mistaken  
10    for someone else. That's what I -- that's what  
11    he'd told me. And I'm not saying that's true or  
12    anything. I'm just saying that's what I heard.  
13    That's how I -- I've heard that. I'm just having  
14    to jog my memory. But I did talk to Mr. Kasper, I  
15    believe, two to three days later. He asked me if  
16    I minded -- if -- to write a statement. I told  
17    him I didn't mind and I wrote it, sent it to him.

18          Q.     Okay. Did anybody review the statement  
19    after you prepared it?

20          A.     Not that I know of. As far as who?

21          Q.     Anybody?

22          A.     Not that I know of besides Mr. Kasper, I  
23    guess it would be.

24          Q.     Now, did you -- strike that.

25                 Did Reed give you any indication or

1 explanation about why he said that his dad was  
2 mistaken for someone else?

3 A. No. I didn't ask. It wasn't my -- at  
4 the time, it wasn't my business.

5 Q. Have you ever talked to Reed's mom about  
6 the incident?

7 A. I have not.

8 Q. Now, when you got to Pine Springs Road,  
9 did you turn left or right?

10 A. I went left.

11 Q. Okay.

12 A. I can't remember if anybody was there or  
13 not.

14 Q. Okay. As you turned left, do you recall  
15 where the law enforcement vehicles specifically  
16 were located?

17 A. I do not.

18 Q. If I asked you to draw a picture of  
19 where all the law enforcement vehicles were  
20 located, could you do that accurately?

21 A. I couldn't, not accurately.

22 Q. Would it be a guess?

23 A. It would be a very tough guess.

24 Q. All right. Do you remember how many law  
25 enforcement vehicles were out there at the

1 intersection that day?

2 A. I know it was several, but I don't -- as  
3 I said, I don't know how many. I know it was more  
4 than -- more than three. I do know that because  
5 there were, you know, as I said, on the side of  
6 the road. But as far as I could see, there wasn't  
7 one in the road, you know, directly in the road.

8 Q. From the time that you stopped and then  
9 before you cleared the checkpoint to go on your  
10 way, do you remember if any law enforcement  
11 vehicles left the scene of the checkpoint?

12 A. I do not.

13 Q. You don't remember?

14 A. I do not remember.

15 Q. Do you remember seeing any officer at  
16 any point in time throw a punch or strike  
17 Mr. Kasper with a punch?

18 MR. DENSON: Objection to form.

19 MR. THAGGARD: I'll ask a better  
20 question.

21 MR. THAGGARD: (Continuing.)

22 Q. Do you recall seeing at any point in  
23 time there at the intersection that day any  
24 officers strike Mr. Kasper with a punch?

25 A. We'll call a punch a blow of force with

1 someone's fist? That's what we'll call a punch or  
2 are we saying a strike, as far as a strike being  
3 elbow, a knee, anything like that?

4 Q. Let's start with a fist.

5 A. Okay. A fist, I cannot recall. Now, as  
6 far as a strike, I know there were elbows and --

7 Q. Let's talk arms first. You said you saw  
8 an elbow to the back of behind his head.

9 A. Behind his head, correct.

10 Q. You saw one of those that you can  
11 remember.

12 A. Correct.

13 Q. Do you remember any more?

14 A. No.

15 Q. And you said you remembered someone  
16 pushing his head to the pavement.

17 A. Correct.

18 Q. Okay. Do you recall any other contacts  
19 with Mr. Kasper's -- with Mr. Kasper by either a  
20 fist, an elbow or officers' hands?

21 A. I did not. I know there was a hand in  
22 the window that I could not see that I do not know  
23 what that hand did.

24 Q. Now, you described seeing knees being  
25 placed on Mr. Kasper when he was on the ground.



1           A.   Forcefully, correct.

2           Q.   All right. Did you, at any point in  
3 time, see an officer or anyone kick Mr. Kasper?

4           A.   I don't remember a kick. I do -- the  
5 only thing I do remember with the legs were the  
6 knees and that's all I can recall with the legs.

7           Q.   When you're saying "legs," do you mean  
8 the -- are you talking about the knees --

9           A.   The knees.

10          Q.   -- on his -- to his back?

11          A.   To his back, correct.

12          Q.   All right. Now --

13          A.   His back, his -- the upper part of his  
14 back, lower part of his back. I know whenever  
15 they went to take him down, there was a knee in  
16 his -- placed in his back to put him down. That's  
17 only -- as far as that, I didn't see any kick. I  
18 didn't see a foot hit Mr. Kasper.

19          Q.   Okay. Now, once he was on the ground  
20 and the knees were on him, did that hold him to  
21 the ground?

22          A.   Yes.

23          Q.   Okay. And did the officers hold him  
24 down for a period of time?

25          A.   Can I ask, when you say holding him

1 down, does that mean that he was trying to get up  
2 or holding him down -- because he wasn't trying to  
3 get up at that time, so I wouldn't want to say it  
4 was holding him down because if you're holding  
5 down something with force, that'd be trying to  
6 bring it up.

7 Q. Well, let me ask this question: Do  
8 you -- when Mr. Kasper's on the ground, do you  
9 know if he tried to get up?

10 A. After he was placed on the ground and  
11 knees were in his back, he was not trying to get  
12 up.

13 Q. How do you know?

14 A. Mr. Kasper's -- he -- Mr. Kasper is a  
15 little bit of a smaller person and there were six  
16 people on him. There really wasn't -- it wasn't a  
17 possible way for him to get up and he wasn't  
18 struggling. I mean, there was no signs of him  
19 struggling. There was no deputies yelling stop.  
20 There was no -- there was no verbal indication  
21 that he was struggling. It was just -- I could  
22 see his face. I couldn't tell who exactly it was  
23 at that moment, but I could see his face. His  
24 face wasn't -- you know, besides from being put in  
25 the pavement, there was no sign of struggling, you

1 know. So at that time, he was not struggling from  
2 my perspective.

3 Q. Okay. Now -- and I know you said  
4 earlier that there were quite a few officers that  
5 were surrounding him at that time.

6 A. Correct.

7 Q. So to some extent, your visibility of  
8 Mr. Kasper was obscured?

9 A. Correct.

10 Q. All right. Could you see his entire  
11 body as he's laying there on the ground with the  
12 officers around him?

13 A. I could see his -- from his head, his  
14 chest, from him keeping his head off the ground.  
15 I could see his -- I could not see his back from  
16 the officers being on it, and I could see his  
17 feet.

18 Q. Okay.

19 A. His feet were on the ground. His chest  
20 and his chin were being held up on his own as far  
21 as before his head was placed into the -- onto the  
22 ground.

23 Q. Now, do you remember him saying anything  
24 else out there at the scene that day?

25 A. I do not.

1           Q.    You mentioned earlier a statement that  
2   he made --

3           A.    Oh, besides -- you mean anything else  
4   besides that statement that I made --

5           Q.    Yes.

6           A.    -- of him saying anything? No, I do not  
7   know anything else that he said. All I heard him  
8   say was I'm -- like I said, it was a form of him  
9   saying that I'm not resisting.

10          Q.    Now, in your statement, you said -- in  
11   your second sentence "After I stopped my car  
12   behind him, I started looking for my driver's  
13   license, proof of insurance, and registration.  
14   While I was doing that, I noticed that the deputy  
15   in the road hollered at the driver."

16          A.    To stop.

17          Q.    All right. Now -- and your second --  
18   the first sentence I read that as you were looking  
19   for your driver's license, proof of insurance, and  
20   registration, had an officer already asked you to  
21   do that or were you preparing for an officer to  
22   come to your vehicle?

23          A.    Well, after I had seen -- okay. I will  
24   say that this statement is not completely accurate  
25   to how I remember it as of now. Like I said, when

1     that deputy -- whenever I pulled up, that deputy  
2     was on the opposite side of the road. The --  
3     Mr. Kasper was in front of me. I did not know if  
4     there was one in front of him or one to the  
5     passenger side of the vehicle.

6             As I noticed this deputy walking towards  
7     Mr. Kasper's truck, that is whenever I -- I knew  
8     that it was a checkpoint at that time. That's  
9     whenever I leaned down to grab my license, my  
10    registration. Actually, I had to find it, so...

11            Q.    So was it while you were leaning down is  
12    when you heard someone holler?

13            A.    That's whenever I heard him holler.

14            Q.    And you heard the crash while you were  
15    leaning down; is that correct?

16            A.    It was as I'm going down, I hear "Stop  
17    the truck," you know. And then I hear -- I mean,  
18    as soon as I hear "Stop the truck," the window  
19    smashes. So that's when -- and I -- before this,  
20    I seen the truck stopped. I mean, it was stopped.  
21    I leaned -- as I'm leaning down, the truck's still  
22    stopped. Leaning down to grab my license, hear  
23    the window smash. Lean back up and that's when  
24    the rest of this happened.

25            Q.    Okay. When you heard the officer

1 holler, you were leaning down, as well; is that  
2 right, retrieving your --

3 A. Not while but as. I mean, I can see him  
4 stopped. I can hear him yell -- holler "Stop the  
5 truck" as I'm leaning down to get my stuff. So at  
6 that time, I know his vehicle was stopped. You  
7 know, it wasn't -- it wasn't I was down here. It  
8 wasn't that I was down there with no visibility.  
9 I could see at that moment that he had -- he was  
10 stopped. I couldn't understand why he was yelling  
11 stop the truck because he -- from my point of  
12 view, he was stopped.

13 Q. Okay. You thought he was stopped. Do  
14 you know whether, from the officers' perspective,  
15 if the vehicle moved or not?

16 MR. DENSON: Objection as to form.

17 MR. THAGGARD: (Continuing.)

18 Q. From the vantage point that the officers  
19 had -- officer had from the side of the vehicle,  
20 do you know if the vehicle moved or not?

21 A. I couldn't tell you.

22 Q. Okay. You were right behind the  
23 vehicle, weren't you?

24 A. I'm right directly behind the vehicle.  
25 As I'm -- I mean, the brake lights were on. I

1     could tell you that. The brake lights were on.  
2     He -- as I'm going down, I didn't notice any  
3     change in the vehicle's motion. I didn't notice  
4     any change in brake lights -- dim of brake lights  
5     or anything. I do remember that I didn't see any  
6     changing to the vehicle of movement or brake  
7     lights.

8           Q.     Okay. Now, you'll agree that the  
9     vehicle can roll forward even with your foot on  
10    the brake, can't it?

11          A.     The vehicle --

12                   MR. DENSON: Objection to form.

13          A.     The vehicle can move forward if you put  
14    it in park.

15    MR. THAGGARD: (Continuing.)

16          Q.     All right. But with your foot on the  
17    brake and the brake lights shining, the vehicle  
18    can still move forward. Is that a fair statement?  
19    You could roll forward with your foot on the brake  
20    and the brake lights still illuminated, yes?

21                   MR. DENSON: Objection as to form.

22    MR. THAGGARD: (Continuing.)

23          Q.     You can answer.

24          A.     Can I give both explanations as to why?

25          Q.     Oh, sure. You certainly can explain

1 your answer.

2 A. Okay. So, yes, you -- in a way, you  
3 could if you did not have the applied pressure to  
4 the brake. But in that particular sense, he had  
5 already stopped. So most of the time when you're  
6 stopped, you're not -- you don't have your foot  
7 barely on the brake. You're completely stopped.  
8 And I don't -- I mean, I don't believe --

9 Q. Well, let's ask it this way: You don't  
10 know why an officer smashed Mr. Kasper's window,  
11 do you?

12 A. I don't have a clue.

13 Q. And you don't know what the officer saw  
14 that caused him to do that, do you?

15 A. I don't.

16 Q. From your perspective, you thought  
17 Mr. Kasper was stopped?

18 A. From my perspective, Mr. Kasper -- in my  
19 point of view, he was stopped.

20 Q. You heard an officer yell "Stop" and  
21 then in a very brief period of time, you heard the  
22 window smash; is that right?

23 A. Right.

24 (Off the record.)

25



1 MR. THAGGARD: (Continuing.)

2 Q. Okay. Other than the statement which is  
3 Exhibit 1 to your deposition, have you prepared  
4 any other sort of document about what you saw or  
5 heard that day?

6 A. I have not.

7 Q. Have you ever been convicted of a  
8 felony?

9 A. I have not.

10 Q. You're not wearing glasses today. Do  
11 you have any problems with your vision?

12 A. No, sir.

13 Q. You have 20/20 vision?

14 A. Correct.

15 Q. As far as you know?

16 A. Yeah, as far as I know. My last check  
17 was good.

18 Q. And you didn't have any trouble with  
19 visibility on the day of this incident with  
20 Mr. Kasper whether it was because of lighting  
21 conditions, given the time of day?

22 A. I do, you know, recall that it was  
23 darker at -- to my point of view, it was darker.  
24 I know that I don't have any tint on my front  
25 windshield, so...

1           Q.    Do you remember if you had your lights  
2    on?

3           A.    I don't believe I did.

4           Q.    So it was at least light enough for you  
5    not to have your lights on.  Is that a fair  
6    statement?

7           A.    For me, correct.

8                   MR. THAGGARD:  All right.  That's  
9           all the questions I have for you.  Mr. Denson  
10          may have some questions for you.

11                   E X A M I N A T I O N

12          EXAMINATION BY MR. DENSON:

13          Q.    Joseph Denson.  I'm counsel for the  
14          plaintiff.

15                  Mr. Dalton, I just have a -- Mr. House,  
16          I just have a few questions for you.  Okay.  
17          Earlier when Mr. Thaggard was asking you about the  
18          moment when your head was down to get your  
19          license, about how many seconds, if you can  
20          estimate, that your head was down to get your  
21          license?

22                  MR. THAGGARD:  Object to form.

23          MR. DENSON:  (Continuing.)

24          Q.    Let me go back.  You testified that --  
25          you testified right when the officer was

1 approaching Mr. Kasper's truck, you were looking  
2 for your license, correct?

3 A. When I noticed him approaching the  
4 truck, that's whenever I noticed it was a  
5 checkpoint. So I then decided to -- that's --  
6 then I decided to go for my license and  
7 registration and all that.

8 Q. And do you know where your license was  
9 in your truck at that time?

10 A. I knew it was all down in my clothes in  
11 my floorboard. Like I said, I had swimming  
12 clothes on. My day clothes were in my floorboard  
13 and my wallet was in my day clothes, and my  
14 license were in my wallet and my registration was  
15 in my glove box.

16 Q. Okay. And did -- do you recall if you  
17 got your registration out of your glove box or  
18 if --

19 A. Molly got my registration out of my  
20 glove box.

21 Q. Okay. So you -- is it your testimony  
22 that you just went down to get your -- the clothes  
23 or the garment that had your wallet in it from the  
24 floor?

25 MR. THAGGARD: Object to form.

1           A.     Can you ask the question again?

2     MR. DENSON: (Continuing.)

3           Q.     In fact, let me -- I'll strike that  
4     question.

5                     When you said you went to go get your  
6     license, it was on the floorboard on your -- your  
7     clothes were on the floorboard of the passenger's  
8     side or on the driver's side?

9           A.     Passenger's side.

10          Q.     Okay. And can you estimate the amount  
11     of time it took you to get your license?

12                     MR. THAGGARD: Object to form.

13          A.     Ten to 15 -- 20 seconds.

14     MR. DENSON: (Continuing.)

15          Q.     Okay.

16          A.     Enough time for me to reach down, pick  
17     up my pants, grab my wallet. And I didn't take my  
18     license out of my wallet at that specific time. I  
19     waited until it was time for the officer to come  
20     to me to take out my license.

21          Q.     So you just reached down to get your  
22     pants?

23          A.     Correct.

24                     MR. THAGGARD: Object to form.

25          A.     No, not correct. I reached down to get

1 my wallet that was in my pants.

2 MR. DENSON: (Continuing.)

3 Q. Okay. Now, you testified earlier that  
4 you had to stop because Mr. Kasper stopped in  
5 front of you.

6 A. Correct.

7 Q. And did you ever see a -- did you ever  
8 notice that if -- at any point in time, did you  
9 ever observe that his lights -- his brake lights  
10 that were illuminated at the time you saw it, did  
11 you ever see whether those lights went off?

12 MR. THAGGARD: Object to form.

13 A. No.

14 MR. DENSON: (Continuing.)

15 Q. Let me go back and ask you another  
16 question. What change, if any, did you see in  
17 Mr. Kasper's lights after the officer approached  
18 his car?

19 A. I didn't see any change in the vehicle  
20 or his lights.

21 Q. And when you stopped behind Mr. Kasper  
22 when, as you said, he initially stopped, how far  
23 was your vehicle from Mr. Kasper's vehicle at that  
24 time?

25 A. Forty feet, 50 feet. That's an

1 estimated guess of how far I was from him.

2 Q. At any point in time, did you -- after  
3 Mr. Kasper stopped, did your vehicle come any  
4 closer to Mr. Kasper's?

5 A. No.

6 Q. And I want to get some clarity on what  
7 you observed when Mr. Kasper was coming out of his  
8 truck. Okay. Can you tell me exactly how  
9 Mr. Kasper actually came out of his truck from  
10 your perception?

11 MR. THAGGARD: Object to form.

12 A. Well, in my statement, it says that he  
13 came out head first. And what I mean by "head  
14 first," I don't mean he came out, you know, head  
15 first, feet second. I mean, as he's coming out,  
16 the first thing that's out of the truck is his  
17 head. Not talking about in a vertical or  
18 horizontal way of the body. I mean, that was the  
19 first way of him exiting the vehicle.

20 MR. DENSON: (Continuing.)

21 Q. And, Mr. House, could you observe -- at  
22 this time, could you observe if Mr. Kasper's feet  
23 were touching -- if his feet were assisting him to  
24 get out of the truck?

25 A. I could not. I can't recall. I --

1 really nothing was assisting him getting out of  
2 the vehicle except the officers because he was  
3 still in the seat belt or as far as I could tell,  
4 his seat belt was around him. So to my  
5 perspective, there was nothing -- nothing helping  
6 him get out of the vehicle besides the officers.

7 I will say if I can that I never heard  
8 "Get out of the vehicle." As far as -- as far as  
9 I could hear, that's something I couldn't hear, so  
10 I don't know at what point in time he was asked to  
11 get out of the vehicle.

12 Q. And you said you heard an officer say  
13 "Stop" to Mr. Kasper, correct?

14 A. His exact words were "Stop the truck."

15 Q. Okay. And did you hear that statement  
16 by -- if you recall, by one officer, two officers  
17 or --

18 A. To my perspective, it was only one.

19 Q. And how many times did you hear that one  
20 officer say "Stop the truck"?

21 A. That single time.

22 Q. And immediately after you heard that  
23 officer say "Stop the truck," what did you --  
24 how -- strike that.

25 Immediately after you heard the officer

1 say "Stop the truck," when you saw the truck, what  
2 was the -- what was happening with the truck?

3 MR. THAGGARD: Object to form.

4 A. The truck was stopped. I mean, the  
5 truck was not moving.

6 MR. DENSON: (Continuing.)

7 Q. Let me strike that. Let me go back and  
8 sort of clear that up there.

9 Your testimony is that you heard the  
10 officer say "Stop the truck" one time. When you  
11 heard the officer say that, where was the truck?

12 A. Where it had been since we had stopped.  
13 As I said, I didn't see any difference in the  
14 vehicle. I didn't see any difference in the  
15 moving of the vehicle, the lights of the vehicle.  
16 I didn't see any difference in the placement of  
17 the vehicle from that time I stopped to the time I  
18 left. Well, I take that back.

19 As I you told before, I couldn't exactly  
20 recall somebody moving his vehicle, but I want to  
21 say that it was moved for a reason, but I'm not  
22 sure if it was. That's just something that's  
23 foggy and I can't remember.

24 Q. Okay. And to be clear, you say it was  
25 moved for a reason. You're saying after



1 Mr. Kasper was handcuffed and all?

2 A. After -- I want to say that it was moved  
3 out from the road for traffic to flow, but I can't  
4 give you that -- I can't make a true statement out  
5 of that because I'm -- that's just something that  
6 I can't remember clearly.

7 Q. Okay. And you say you heard a window  
8 being smashed?

9 A. Right.

10 Q. Well, I'm going to ask you a question  
11 about that. You heard a window being smashed.  
12 When you looked up, what was -- whose -- was there  
13 an officer close to Mr. Kasper's vehicle?

14 A. As the window was smashed?

15 Q. Yes.

16 A. Right. Whenever the window was smashed,  
17 the officer was in -- that's when the hand entered  
18 the vehicle. Once the -- I'm assuming, because as  
19 I said, I was down looking for my license and  
20 that's when I heard the vehicle smash. When I  
21 look up, that's when officers are running and the  
22 hand is in the window.

23 As far as I know what happened that  
24 moment that he smashed it, whether he backed away  
25 or whether he moved closer to it, I couldn't tell

1     you.  I'm assuming that -- my assumption would be  
2     that he was close enough to smash a window --

3             Q.     Okay.

4             A.     -- as he was smashing the window.  
5     Before then, as I said before, he was 5 to 8 feet  
6     away.

7             Q.     And at any point in time, did you ever  
8     see Mr. Kasper kick or punch towards any of the  
9     officers?

10            A.     No.  I could not see Mr. Kasper kick or  
11     punch.

12            Q.     Did you ever hear any screaming coming  
13     from Mr. Kasper during this altercation?

14            A.     As the taser would -- whenever I heard a  
15     taser, that's when I could hear the -- not a  
16     scream or a yell, but just a -- I guess a shocking  
17     yell in a way.

18            Q.     Is it your testimony that this yell came  
19     from the person that was being tased?

20            A.     Correct.

21            Q.     And how many times did you hear that  
22     yell that you previously described?

23            A.     It was one long consecutive yell.  A  
24     single consecutive yell.  And when I say  
25     "consecutive," I mean long -- didn't stop, you

1 know.

2 Q. Okay. Do you ever recall hearing any  
3 officers saying the words -- I'm going to go back  
4 because I think you're about to add something to  
5 that, right?

6 A. Yeah.

7 Q. Okay. Go ahead.

8 A. Now, you said in that time, did I hear  
9 him scream or yell.

10 Q. Yes.

11 A. That was the question. He did -- not in  
12 a -- not in a yelling voice or a screaming voice,  
13 but in a loud tone, he did say -- that's when he  
14 said, you know, in the form of I'm not resisting.  
15 That's the only other verbal thing that I could  
16 hear from Mr. Kasper.

17 Q. Okay.

18 A. And to him, that could have been  
19 yelling. I'm not saying that it wasn't.

20 Q. And, Mr. House, you were asked if --  
21 when you wrote this statement, but my question to  
22 you is, at whatever time you wrote this statement,  
23 how long did you take to recall the events that  
24 took place before you put these events into  
25 writing?

1           A.    I would say that I went off the top of  
2   my memory.  I didn't look into -- I didn't write  
3   into detail.  I'd say 30, maybe -- wrote it in 25  
4   to 30 minutes, which it's a very small statement.

5           Q.    Okay.  At any point in time when --  
6   after you heard the officer holler "Stop," did you  
7   hear an engine rev from the vehicle that was in  
8   front of your vehicle?

9           A.    I did not.

10          Q.    Did you observe the -- could you observe  
11   the physical condition of Mr. Kasper's clothing at  
12   the time that he exited the truck?

13          A.    His shirt was ripped.  I believe it was  
14   his shirt.  I don't -- I can't remember exactly  
15   what color clothing he had on, but a piece of  
16   clothing was ripped up top.  I can't recall his  
17   pants.  Is that --

18          Q.    Now, when you say "ripped," how -- do  
19   you recall what area that the clothing was ripped  
20   and how bad?

21                   MR. THAGGARD:  Object to the form.

22                   MR. DENSON:  Well, let me strike  
23   that.  Let me put that in two separate  
24   questions there.

25

1 MR. DENSON: (Continuing.)

2 Q. Do you recall what area of the shirt  
3 that was ripped?

4 A. I believe it was around his ribs, around  
5 the torso area.

6 Q. Uh-huh.

7 A. Now, as far as how bad, I could see  
8 skin, but I couldn't tell you any further. Now,  
9 as far as that -- is that where it was ripped, I  
10 can't give you an honest statement about it. But  
11 I -- as far as me jogging my memory, I believe  
12 that's where it was ripped.

13 Q. From your perception, during this  
14 altercation or immediately after, did you see any  
15 injuries on Mr. Kasper?

16 A. I seen blood on Mr. Kasper's head, on  
17 his arms. His arms were, you could tell, scraped  
18 up. I think his knee -- I think one of his knees  
19 was bloody or red or something. As far as  
20 anything else, I couldn't tell you. And I --  
21 that's all I can remember from that.

22 Q. Okay.

23 A. And as far as into detail from his  
24 physical injuries, I couldn't -- couldn't tell you  
25 how bad -- I mean, how severe they were. I could

1 see that he did have injuries. I couldn't see how  
2 severe.

3 Q. But from where you were, you were able  
4 to see blood coming from his head?

5 A. Yes.

6 Q. Earlier you were asked about whether you  
7 remember an officer striking or kicking  
8 Mr. Kasper. Do you recall that question --

9 A. I do.

10 Q. -- or something similar?

11 Now, how many times would you say that  
12 you recall Mr. Kasper being struck by the  
13 officer's knee?

14 A. I couldn't say that it was just a strike  
15 from one officer's knee. It was a strike from  
16 several officers' knees.

17 Q. Okay.

18 A. There was more than -- there was one --  
19 there was more than one knee placed in his back  
20 from different officers.

21 Q. Okay. And I want to see if there's any  
22 distinction here. Are you saying a knee sitting  
23 on Mr. Kasper's back or are you saying a knee  
24 striking Mr. Kasper's back?

25 MR. THAGGARD: Object to form.

1 MR. DENSON: Let me -- I'll  
2 withdraw that question.

3 MR. DENSON: (Continuing.)

4 Q. Is your description of a contact by  
5 Mr. Kasper's body from the officer's knee -- give  
6 me that description.

7 A. A strike from an officer's knee would be  
8 a forceful impact, an aggressive impact.

9 Q. Is it your testimony that the officer's  
10 knee was only resting on Mr. Kasper's body?

11 A. The knee was drove forward in an  
12 aggressive way into Mr. Kasper's body.

13 Q. Is this from only one officer or several  
14 officers?

15 A. Several officers.

16 Q. Given that foundation, are you able to  
17 tell me how many -- an estimate of how many times  
18 a knee was driven into Mr. Kasper's back?

19 MR. THAGGARD: Object to form.

20 MR. DENSON: Strike that.

21 MR. DENSON: (Continuing.)

22 Q. From your perception, how many times  
23 was -- did the officer's knee come in contact with  
24 Mr. Kasper?

25 A. From my point of view, there were, that

1 I know of, four officers that I could see on  
2 Mr. Kasper. As far as I could tell, that there  
3 were, I would say, three on his back leg, around  
4 his -- around his back. One officer towards the  
5 front of Mr. Kasper was elbow, you know, in  
6 Mr. Kasper's head or back of Mr. Kasper's neck.

7 As far as how many times a knee was  
8 placed in Mr. Kasper's back, I couldn't tell you.  
9 I know that there was more than one officer on  
10 Mr. Kasper's back. More than two, I couldn't tell  
11 you for sure.

12 Q. Okay. And you testified that  
13 Mr. Kasper's head came back up. Did you see any  
14 other part of his body come back up?

15 A. The only -- the only part of his -- from  
16 the top of his head -- or from the top of his head  
17 from where I could see to the top of Mr. Kasper's  
18 chest is the only body part that I could see that  
19 came up. I could just see the top of his chest  
20 from his head coming up which brought his -- the  
21 top of his chest up.

22 Q. Okay. And at this -- and at the time  
23 that you say you could see his head come up, where  
24 were his -- where were his arms, if you could see  
25 them?



1           A.    I can't recall.

2                       MR. DENSON:  No further questions  
3           at this time from counsel for the plaintiff.

4                       MR. THAGGARD:  I'll have just a  
5           couple of follow-ups with you.

6                       E X A M I N A T I O N

7   EXAMINATION BY MR. THAGGARD:

8           Q.    Do you know how the window was smashed?

9           A.    I don't.

10          Q.    Okay.  I thought I heard -- if I  
11   understood your testimony correctly, that you said  
12   you heard an officer say taser?

13          A.    No, no.

14          Q.    You heard a taser?

15          A.    I heard a taser.  You can hear a taser  
16   being extracted.

17          Q.    Now, you said you heard Mr. Kasper with  
18   a long continuous yell.

19          A.    Correct.

20          Q.    And when did he begin that yell?

21          A.    That was whenever I heard the tase --  
22   what I could hear as a taser, that's whenever I  
23   heard the yell.

24          Q.    Was he yelling as he came out of the  
25   vehicle?

1 A. Not to my knowledge, no.

2 Q. And you recall hearing him yell at or  
3 about the time you heard the taser?

4 A. Correct.

5 Q. And how long did that yelling last?

6 A. Ten to 20 seconds.

7 Q. Did he yell again after that?

8 A. Not that I know of.

9 Q. You testified about the officer or  
10 officers aggressively striking him with their  
11 knees.

12 A. Correct.

13 Q. Do you recall if any individual officer  
14 struck Mr. Kasper with that officer's knees more  
15 than one time?

16 A. I do not. I do not recall.

17 Q. As Mr. Kasper was being removed from the  
18 vehicle and taken to the ground, did you hear  
19 voices?

20 A. I can't recall. As far as the only  
21 thing I could hear Mr. Kasper say was, you know --  
22 I could hear an officer say "Stop," and then I can  
23 hear -- when they were getting him out of the  
24 vehicle or when that -- when they were getting him  
25 out of the vehicle, I heard someone say "Stop" and

1 Mr. Kasper say something along the lines of --  
2 that he wasn't resisting. That's only -- only  
3 thing verbally I could hear besides when  
4 Mr. Kasper started to yell.

5 Q. Okay. You don't remember anyone else  
6 yelling or hearing any other voices?

7 A. Besides -- before they pulled him out of  
8 the truck, "Stop the truck."

9 Q. I'm talking about after taking him out  
10 of the truck.

11 A. No.

12 Q. You don't recall hearing of the voices?

13 A. Besides when I heard one -- somebody say  
14 something about I know his brother. That's the  
15 only -- and I don't know -- like I said, I don't  
16 know who said I know his brother or he's like  
17 his -- I can't -- I'm not saying that it was I  
18 know his brother, but it was something that said  
19 his brother. I don't know if it was --

20 Q. Let me ask you a better question because  
21 I think earlier you testified that was later on.  
22 I'm talking about when he's there on the -- you  
23 know, being removed from the vehicle on the ground  
24 and then taken to the police car. Do you recall  
25 hearing any of the voices or any other statements

1     made during that process?

2           A.     No.

3           Q.     Was it quiet?

4           A.     To me, it was.  I do remember that  
5     besides my passenger.

6           Q.     Okay.  And if I understand your  
7     testimony correctly, when Mr. Kasper's on the  
8     ground, you could see his upper torso to his head  
9     and you could see his feet.

10          A.     Correct.

11          Q.     And that was it?

12          A.     Correct.  That's all I could see.

13                   MR. THAGGARD:  All right.  That's  
14     all the questions I have for you.

15                   MR. DENSON:  All I have,  
16     plaintiff's counsel.

17     MR. THAGGARD:  (Continuing.)

18          Q.     Now, you've got the right -- she's going  
19     to type up everything in booklet format.

20          A.     Okay.

21          Q.     And you've got the right to go back and  
22     read that, you know, review it and make sure it  
23     was typed properly and make any changes to it if  
24     something was typed improperly or you can waive  
25     that right.  It's entirely up to you.

1           A.     Okay.

2           Q.     If you want to do that, then you'll need  
3     to coordinate with the court reporter here to --  
4     so she can get that in your hands to, you know, do  
5     that review or you can trust her to type it  
6     correctly, frankly.  So it's entirely your  
7     decision.  It doesn't matter to either Mr. Denson  
8     or I.  It's your right to do.

9           A.     Okay.  So just get in touch with her?

10                  MR. THAGGARD:  Yes, just get in  
11     touch with her.

12                  THE WITNESS:  It looks like you  
13     have been doing it a while.  I don't need it.

14                  COURT REPORTER:  Mr. Denson do you  
15     want to order a copy?

16                  MR. DENSON:  I do.

17                  (WHEREUPON, THE DEPOSITION WAS  
18     CONCLUDED AT APPROXIMATELY 4:07  
19     p.m.)

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## 1 CERTIFICATE OF REPORTER

2

3 I, AMANDA WOOTTON, Court Reporter and Notary  
4 Public for the State of Mississippi, do hereby  
5 certify that the above and foregoing pages contain  
6 a full, true and correct transcript of the  
7 proceedings had in the aforementioned case at the time  
8 and place indicated, which proceedings were  
9 recorded by me to the best of my skill and  
10 ability.

11 I also certify that I placed the witness  
12 under oath to tell the truth and that all answers  
13 were given under that oath.

14 I certify that I have no interest, monetary  
15 or otherwise, in the outcome of this case.

16 This the 3rd day of April 2017.

17

18

19

20

21

22

AMANDA M. WOOTTON

23

24 My Commission Expires:  
December 15, 2018

25

## 1 CERTIFICATE OF DEPONENT

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3

4 I, \_\_\_\_\_, do hereby

5 certify that the foregoing testimony is true and

6 accurate to the best of my knowledge and belief,

7 as originally transcribed, or with the changes as

8 noted on the attached Correction Sheet.

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18 Subscribed and sworn to before me

19 this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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21

22 \_\_\_\_\_  
Notary Public

23

24 My Commission Expires:

25

1

## CORRECTION SHEET

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I, \_\_\_\_\_, do hereby

4

certify that the following corrections and

5

additions are true and accurate to the best of my

6

knowledge and belief.

7

CORRECTION

PAGE

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REASON

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Subscribed and sworn to before me  
this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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\_\_\_\_\_  
Notary Public

24

My Commission Expires:

25



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To whom it may concern,

I was driving behind a white Ford truck with two kayaks in the back on Allen Swamp road on the Saturday of Memorial Day weekend in 2014. After I stopped my car behind him I started looking for my drivers license, proof of insurance and registration. While I was doing that I noticed that the deputy in the road hollared at the driver. The truck stopped and then I heard glass shatter and saw that they were struggling with the driver. About four or five deputies surrounded the truck and they pulled the driver out head first and tasered him several times. I did not see him punch or kick any of the deputies even though they were hitting him and smashing his face into the pavement. They handcuffed him and put him in a police car then moved him to another one.

When one of the officers talked to me and looked at my credentials he told me that the driver was one of their regulars.

I go to school with Reed Kasper and I knew it was his dad's truck because he has a set of wings on the front license plate and Reed drove it to school all year long. I called and told Reed what he said. Mr. Kasper later contacted me to get this statement. Please feel free to contact me via my dad's phone number listed below.

Dalton House  
601-934-4464

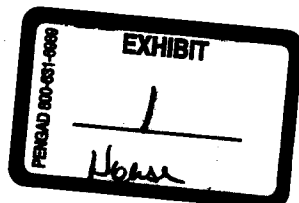
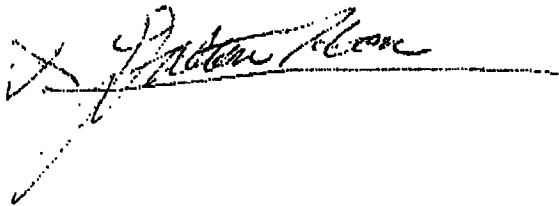


Exhibit "A" to Amended Complaint

## Lee Thaggard

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**From:** Lee Thaggard  
**Sent:** Monday, March 13, 2017 8:59 AM  
**To:** 'Joseph Anthony Denson'  
**Subject:** Kasper v. Lauderdale County

Dear Joseph:

Thank you for your telephone message as a reminder regarding the Joint Motion to Amend the Case Management Order to extend the discovery deadline and motion deadline. In the last several days, I have been extremely busy in motion practice in another federal case as well as completing an appellate brief in state court. As a result, I have not yet had an opportunity to prepare the draft Joint Motion. I plan to have a draft to you this afternoon.

The deposition of Jacob Mathis did last longer than I anticipated. However, his statement is the most lengthy of all officers which were involved. Hopefully the other depositions of the officers will not take as long as the deposition of Mathis.

At this point I am considering re-noticing Mr. Kasper's deposition for either March 20, 23 or 24. That will give you more time to devote to the officers deposition on March 17.

Lee Thaggard  
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